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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,312	11/29/2000	Arkadi Kosmynin	Q61372	8592

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,312	KOSMYNIN, ARKADI	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 17-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau. (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on August 25, 2004 has been entered and fully considered.

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 17-20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenzweig, U.S. Patent No. 6,526,479, further in view of Fleischman, U.S Patent No. 6,507,847.

Rosenzweig teaches the invention substantially as claimed including a method of caching web resources obtained from the Internet (see abstract).

As to claim 1, Rosenzweig teaches the a method of associating an URL (Uniform Resource Location) with a Web object(s) for transport from a server side (their original server) to a client side via a Usenet, the method including the steps of: on the server side.

- a. Constructing and allocating said URL for the object, and (col. 4, lines 30-55, Rosenzweig discloses URLs as a way of referencing Internet resources)
- b. placing the object on the original server in such a way that said URL

(i). contains information necessary to find the object in a Usenet server (col. 4, lines 30-55, Rosenzweig discloses URL used for Usenet);

(ii). indicates that the object has been posted to said Usenet system and may be found on a Usenet server; and (col. 4, lines 30-55, Rosenzweig discloses the protocol used for Usenet)

(iii). can be used to transparently retrieve the object from its original server. (col. 5, lines 9-19, Rosenzweig discloses an html file instruct a browser to access any number of other web resources)

c. associating a URL with the Web object (col. 4, lines 30-55, Rosenzweig discloses a URL specifying a resource),

d. posting the object on the Usenet (col. 4, lines 30-67; col. 5, lines 1-9; Rosenzweig discloses files posted on the Internet);

e. on the client side intercepting requests for the object, interpreting them and using information extracted, as a result of the interpretation, to locate the object from a Usenet server (col. 4, lines 30-67; col. 5, lines 1-9; Rosenzweig discloses retrieving files from an Internet host).

Rosenzweig fails to teach the limitation further including retrieving an object from the original server, receiving digitally signed permission to post the object on behalf of the server and to cancel the expired version, if any, and transmitting this permission to one or more of Usenet servers along with the object.

However, Fleischman teaches a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract). Fleischman teaches the use

of downloading information from the server that is not present or updated (col. 3, lines 41-64) and a history database on multiple Usenet servers to download new articles and delete older ones (col. 1, lines 60-67; col. 2, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig in view of Fleischman to retrieve an object from the original server and to receive digitally signed permission to post the object on behalf of the server and to cancel the expired version, if any, and transmitting this permission to one or more of Usenet servers along with the object. One would be motivated to do so because it will allow the Usenet to have the most recent information and not have wasted space on out of date information.

Regarding claim 17, Rosenzweig teaches a method as claimed in claim 1, wherein creating a URL for use in the Web includes the steps of:

providing a first field having information sufficient to locate an object on a web server (col. 4, lines 30-55), and

providing a second field having information sufficient to locate the object on the Usenet system (col. 4, lines 30-55).

Regarding claim 18, Rosenzweig teaches a method as claimed in claim 17, wherein the first field includes an initial URL, and the second field includes a Usenet message ID (col. 4, lines 30-55, Rosenzweig discloses a URL having the description and location of an item).

Regarding claims 19 and 24, Rosenzweig teaches a method and system as claimed in claim 17, wherein the first and second fields are the same and includes a Usenet message ID (col. 4, lines 30-55).

Regarding claim 20, Rosenzweig teaches a method as claimed in claim 19, wherein the message ID is encoded in URL, query parameters (col. 4, lines 30-55).

3. Claims 21-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenzweig, U.S. Patent No. 6,526,479, in view of Fleischman, U.S. Patent No. 6,507,847, further in view of Dillon et al., U.S. Patent No. 6,546,488.

Rosenzweig teaches the invention substantially as claimed including a method of caching web resources obtained from the Internet (see abstract).

As to claim 21, Rosenzweig teaches a communication system adapted to distribute Web objects from a web host server to a client, the system having: a communication system adapted to distribute Web objects from a web host server to a client, the system having:

a Web host server on which the web objects are stored, the web host server being coupled to the WWW (col. 4, lines 1-14, Rosenzweig discloses host computers with access to the WWW),

the coupling between the client, the WWW and web host server enabling bi-directional communication (col. 4, lines 1-14, Rosenzweig discloses host computers providing multimedia information services),

including:

providing a first Caching agent intermediate and coupled to the client and WWW and Usenet (col. 4, lines 30-55; col. 7, lines 22-47, Rosenzweig discloses caching web resources), and

providing a second Caching agent intermediate and coupled to the WWW and the Usenet and the web host server (col. 4, lines 30-55; col. 7, lines 22-47),

wherein the first Caching agent and second Caching agents enable communication of objects between the client and the Web host server to be via either the Internet or the Usenet (col. 4, lines 30-55; col. 7, lines 22-47)

Rosenzweig fails to teach the limitation further including wherein the first caching agent performs the following functions: analyses Web requests containing URLs of required objects, based on the URL, decides, whether an object has been posted to the Usenet by its original server and thus, may be found in the Usenet, if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine, if the object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them, if the object is found, the first agent retrieves it and returns to the client, and/or if the object is not available, the first agent passes the request for further processing by the original server

or a caching engine; and wherein the second caching agent performs the following functions: intercepts requests to the server and identifies those that are requesting Usenet posted objects, if such a request is found, the second agent cleans up its URL, removing its part that concerns newsgroups or including the required information in the URL and combining it with object placement in such a way, that no further cleaning is necessary, once cleaned, the URL is passed further for processing by the server or server side cache engine, tracing events of modification of the server objects that are to be, or have been posted to the Usenet, if an object has been modified (or created), the second agent cancels its previous versions, if necessary in the Usenet and posts a new digitally signed one, and/or periodically re-post objects to the Usenet to ensure their availability.

However, Fleischman teaches a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract). Fleischman teaches the use of if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine (col. 3, lines 41-64, Fleischman discloses an article being downloaded if it is not already present); if the object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them (col. 3, lines 41-64, Fleischman discloses receiving newsfeeds from many sources), if the object is found, the first agent retrieves it and returns to the client (col. 5, lines 37-62, Fleischman discloses an article being returned to the server), and/or if the object is not available, the first agent passes the request for further processing by the

original server or a caching engine (col. 1, lines 60-67; col. 2, lines 1-18; Fleischman discloses a newsfeed sending a steady stream of queries regarding the status of newly posted articles).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig in view of Fleischman to use; if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine; if the object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them, if the object is found, the first agent retrieves it and returns to the client, and/or if the object is not available, the first agent passes the request for further processing by the original server or a caching engine. One would be motivated to do so because it will allow the Usenet to have the most recent information.

Rosenzweig and Fleischman fail to teach the limitation further including the use of periodically re-posting objects to the Usenet to ensure their availability.

However, Dillon teaches a method and apparatus for delivering Internet newsgroup information over a broadcast network (see abstract). Dillon teaches the use of re-posting articles on the Usenet (col. 7, lines 30-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Fleischman in view of Dillon to re-post articles on the Usenet. One would be motivated to do so because it would ensure the constant availability of objects.

Regarding claim 22, Rosenzweig teaches a system as claimed in claim 21, wherein creating a URL for use in the Web includes the steps of:

providing a first field having information sufficient to locate an object on a web server (col. 4, lines 30-55), and

providing a second field having information sufficient to locate the object on the Usenet system (col. 4, lines 30-55).

Regarding claim 23, Rosenzweig teaches a system as claimed in claim 21, wherein the first field includes an initial URL, and the second field includes a Usenet message ID (col. 4, lines 30-55, Rosenzweig discloses a URL having the description and location of an item).

Regarding claim 25, Rosenzweig teaches a system as claimed in claim 24, wherein the message ID is encoded in URL, query parameters (col. 4, lines 30-55).

Regarding claim 26, Rosenzweig teaches a system as claimed in claim 21, wherein the first caching agent is an application located on the TCP/IP path from the client to the Web cache (col. 3, lines 31-67; col. 7, lines 22-47; Rosenzweig discloses the use of TCP/IP as a communication protocol).

Regarding claim 27, Rosenzweig teaches a system as claimed in claim 21, wherein the second caching agent is located intermediate the web host server and the Internet (col. 4, lines 30-55; col. 7, lines 22-47).

Response to Arguments

4. Applicant's arguments filed August 25, 2004 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the case of combining Rosenzweig and Fleischman, it does not state in Fleischman that the World Wide Web and Usenet can not be combined as the applicant states it does. It merely states the difference between the two. The motivations for the combination of these two references still stand from the previous rejection. In the case of combining Dillon with Rosenzweig and Fleischman, Dillon deals with newsgroups, which relates to the topics of Rosenzweig and Fleischman. The motivations for the combination of these three references still stand from the previous rejection.

6. In response to applicant's argument that Rosenzweig, Fleischman, and Dillon are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, all three references deal with the Internet and Usenet.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,401,118 to Thomas.

U.S. Pat. No. 6,012,126 to Aggarwal et al.

U.S. Pat. No. 6,457,025 to Judson.

U.S. Pat. No. 6,032,195 to Reber et al.

U.S. Pat. No. 5,815,663 to Uomini.

U.S. Pat. No. 6,564,233 to Fleischman.

U.S. Pat. No. 5,813,008 to Benson.

U.S. Pat. No. 5,384,565 to Cannon.

U.S. Pat. No. 5,771,355 to Kuzma.

U.S. Pat. No. 5,903,723 to Beck et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG


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